

LEFF FLOOR AMENDMENT

SENATE AMENDMENTS TO H.B. 2822

(Reference to House engrossed bill)

- 1 Page 1, strike lines 5 through 41
- 2 Strike pages 2 and 3
- 3 Page 4, strike lines 1 through 15
- 4 Renumber to conform
- 5 Line 20, strike "AGENCY" insert "[OFFICE](#)"
- 6 Strike lines 21 and 22
- 7 Renumber to conform
- 8 Page 5, lines 12 and 22, strike "AGRICULTURE" insert "[ADMINISTRATION](#)"
- 9 Strike lines 23 and 24
- 10 Renumber to conform
- 11 Line 29, strike "AGENCY" insert "[OFFICE](#)"
- 12 Line 40, after "performed" insert "[UNDER WARRANTY](#)"
- 13 Lines 41 and 42, strike "and is performed under warranty"
- 14 Page 6, lines 4 and 8, strike "AGENCY" insert "[OFFICE](#)"
- 15 Between lines 8 and 9, insert:

"19. "OFFICE" MEANS THE OFFICE OF PEST MANAGEMENT ESTABLISHED BY
SECTION 32-2302."
- 16 Renumber to conform
- 17 Between lines 10 and 11, insert:

"21. "PEST MANAGEMENT" MEANS THE MANAGEMENT OF PUBLIC HEALTH PESTS,
AQUATIC PESTS, HOUSEHOLD PESTS, WOOD-DESTROYING INSECTS, FUNGI OR OTHER
PESTS, INCLUDING WEEDS, THAT EXIST NEAR OR AROUND STRUCTURES, IN ORNAMENTAL
SHRUBS AND TREES, ON GOLF COURSES, ALONG RIGHTS-OF-WAY OR IN LAWNS OR
CEMETERIES AND ALL PESTICIDE APPLICATION THAT COULD BE HARMFUL TO PUBLIC
HEALTH OR THE ENVIRONMENT. PEST MANAGEMENT DOES NOT INCLUDE PESTICIDE
APPLICATIONS USED DIRECTLY IN THE COMMERCIAL PRODUCTION OF CROPS AND ANIMALS
IF THOSE APPLICATIONS ARE GOVERNED BY THE ARIZONA DEPARTMENT OF AGRICULTURE
PURSUANT TO TITLE 3, CHAPTER 2, ARTICLES 6 AND 6.1."
- 18 Renumber to conform

1 Page 6, line 21, strike “AGENCY” insert “**OFFICE**”

2 Strike lines 23 through 31

3 Renumber to conform

4 Strike lines 41 through 44

5 Page 7, strike lines 1 and 2, insert:

6 “32-2302. Office of pest management; acting director

7 A. THE OFFICE OF PEST MANAGEMENT IS ESTABLISHED.

8 B. THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION SHALL APPOINT AN
9 ACTING DIRECTOR OF THE OFFICE WHO HAS ADMINISTRATIVE EXPERIENCE AND
10 EXPERIENCE IN PEST MANAGEMENT.”

11 Line 6, strike “, UNDER THE GENERAL SUPERVISION OF THE DIRECTOR,

12 Strike lines 11 and 12 insert:

13 “2. Administer and enforce this chapter and rules adopted pursuant to
14 this chapter.”

15 Renumber to conform

16 Strike lines 34 through 37, insert:

17 “8. 4. Issue subpoenas for the taking of depositions, the production
18 of documents and things and the entry on land for inspection and measuring,
19 surveying, photographing, testing or sampling the property or any designated
20 object or operation on the property relevant to the complaint.”

21 Renumber to conform

22 Page 8, line 18, strike “control” insert “**MANAGEMENT**”

23 Strike lines 24 through 28, insert:

24 “~~14.~~ 7. Establish offices it deems necessary to carry out the purposes
25 of this chapter.

26 “~~15.~~ 8. Employ ~~an executive director and other~~ permanent or temporary
27 personnel it deems necessary to carry out the purposes of this chapter and
28 designate their duties.”

29 Renumber to conform

30 Page 9, line 26, after the first “THE” insert “**ACTING**”

31 Line 36, strike “AGENCY” insert “**OFFICE**”

1 Page 10, line 34, strike "structural"; strike "control" insert "**MANAGEMENT**"
2 Line 35, strike "structural"
3 Line 36, strike "control" insert "**MANAGEMENT**"
4 Line 38, strike "structural"; strike "control" insert "**MANAGEMENT**"
5 Strike lines 41 and 42, insert:
6 **"17. 13.** Refer all cases for formal hearing to the office of
7 administrative hearings."
8 Renumber to conform
9 Page 11, line 14, strike "AGENCY" insert "**OFFICE**"
10 Strike lines 15 through 20, insert:
11 **"22. 18.** Appoint ~~a member or~~ AN employee of the ~~commission~~ OFFICE to
12 conduct an informal settlement conference with a licensee against whom an
13 inquiry is received or a complaint is filed.
14 **"23. 19.** Prepare a consent order only after either an informal
15 settlement conference is conducted pursuant to section 32-2321 or a formal
16 hearing is conducted pursuant to title 41, chapter 6, article 10."
17 Renumber to conform
18 Strike line 25, insert:
19 **"25. 21.** Approve proposed consent orders."
20 Page 12, strike lines 1 through 8, insert:
21 **"E. F.** Subject to the limitations of section 41-2544, the ~~executive~~
22 ACTING director may enter into agreements for the purpose of enabling the
23 ~~commission~~ OFFICE to accept payment for fees imposed under this chapter by
24 alternative payment methods, including credit cards, charge cards, debit
25 cards and electronic funds transfers. Before the monies are transferred to
26 the ~~executive~~ ACTING director pursuant to section 32-2305, the person
27 collecting the fees shall deduct any amount charged or withheld by a company
28 providing the alternative payment method under an agreement with the
29 ~~commission~~ OFFICE."
30 Reletter to conform
31 Line 14, strike "structural"; strike "control" insert "**MANAGEMENT**"

1 Page 12, line 25, strike “Structural pest control” insert “Pest management”
2 Line 26, strike “structural”; strike “control”; after “commission” insert
3 “MANAGEMENT”
4 Line 27, after “executive” insert “ACTING”
5 Line 29, strike “structural”; strike “control”; after “commission” insert
6 “MANAGEMENT”
7 Line 32, strike “structural”; strike “control”; after “commission” insert
8 “MANAGEMENT”
9 Page 13, lines 37, 38 and 45, strike “control” insert “MANAGEMENT”
10 Page 14, lines 5 and 13, strike “control” insert “MANAGEMENT”
11 Line 18, strike “STRUCTURAL”
12 Line 19, strike “CONTROL” insert “MANAGEMENT”
13 Line 25, strike “control” insert “MANAGEMENT”
14 Page 15, lines 12, 14 and 15, strike the first and second “control” insert
15 “MANAGEMENT”
16 Lines 16, 17, 19, 20 and 23, strike “control” insert “MANAGEMENT”
17 Page 16, line 16, strike “structural”
18 Line 17, strike “control” insert “MANAGEMENT”; strike “AGENCY” insert “OFFICE”
19 Line 20, strike “structural”; strike “control” insert “MANAGEMENT”
20 Line 21, strike “structural”; strike “control” insert “MANAGEMENT”
21 Page 17, line 39, strike “AGENCY” insert “OFFICE”
22 Page 18, line 2, strike “structural”; strike “control” insert “MANAGEMENT”
23 Lines 20, 22 and 23, strike the first and second “control” insert “MANAGEMENT”
24 Lines 24, 25, 27, 28 and 31, strike “control” insert “MANAGEMENT”
25 Line 43, strike “structural”; strike “control” insert “MANAGEMENT”
26 Page 19, line 2, strike “structural”; strike “control” insert “MANAGEMENT”
27 Line 4, strike “control” insert “MANAGEMENT”
28 Page 20, line 28, strike “AGENCY” insert “OFFICE”
29 Line 39, strike “structural”; strike “control” insert “MANAGEMENT”
30 Page 21, line 37, strike “structural”; strike “control” insert “MANAGEMENT”
31 Line 42, strike “structural”; strike “control” insert “MANAGEMENT”
32 Page 22, line 22, strike “AGENCY” insert “OFFICE”

1 Page 23, lines 2 and 6, strike "control" insert "**MANAGEMENT**"

2 Line 28, strike "AGENCY" insert "**OFFICE**"

3 Page 24, strike lines 6 through 12, insert:

4 "E. Before taking any action pursuant to this section, the ~~commission~~
5 **ACTING DIRECTOR** shall notify in writing interested persons and the licensee
6 before the date of the hearing pursuant to title 41, chapter 6, article 10
7 either personally or by certified mail at the last address known to the
8 ~~commission~~**OFFICE**. The written notice shall contain the nature of the charge
9 or charges against the licensee and the time and place of the hearing ~~before~~
10 ~~the commission~~ on the charges."

11 Reletter to conform

12 Lines 18 and 20, strike "~~F~~ E" insert "F"

13 Line 23, strike "7" insert "11"

14 Strike lines 25 through 41, insert:

15 "J. If the ~~commission~~ **ACTING DIRECTOR** appoints ~~a member or~~ AN employee
16 of the ~~commission~~ **OFFICE** to conduct an informal settlement conference with
17 the complaining party pursuant to section 32-2304, the purpose of the
18 informal settlement conference is to reach agreement as to the disposition of
19 all or a portion of the complaint, including any agreement providing for
20 repairing or rectifying the conditions specified in the complaint. The
21 settlement conference shall be conducted informally and the rules of evidence
22 do not apply. The settlement conference shall not be recorded. Participants
23 in the settlement conference may ask questions of the complainant and may
24 review any materials or reports compiled by the ~~commission~~ **OFFICE** with
25 respect to the complaint.

26 K. If the ~~commission~~ **OFFICE** prepares a consent order pursuant to
27 section 32-2304, after either an informal settlement conference conducted
28 pursuant to subsection J of this section or a formal hearing by the
29 ~~commission~~ **OFFICE** conducted pursuant to title 41, chapter 6, article 10, the
30 consent order shall only set forth the general nature of the inquiry or
31 complaint, the specific action to be taken by the licensee or business

1 licensee, the penalty, if any, and the time for compliance, if any, for any
2 corrective action to be taken.”

3 Reletter to conform

4 Page 25, strike lines 10 through 16, insert:

5 “0. If the ~~commission~~ OFFICE finds a violation or the ~~commission~~
6 OFFICE enters into a consent agreement, the ~~commission~~ OFFICE:

7 1. Shall not delete the record of the complaint for at least five
8 years following the filing of the complaint.

9 2. Shall include information from the inquiry in the record of
10 complaint. If no violation is found, the information from the inquiry shall
11 be deleted.”

12 Reletter to conform

13 Line 19, strike “structural”; strike “control” insert “**MANAGEMENT**”

14 Line 21, strike “structural”; strike “control” insert “**MANAGEMENT**”

15 Line 22, strike “structural”; strike “control” insert “**MANAGEMENT**”

16 Line 35, strike “control” insert “**MANAGEMENT**”

17 Page 26, lines 20, 30 and 42, strike “AGENCY” insert “**OFFICE**”

18 Page 27, line 6, strike “control” insert “**MANAGEMENT**”

19 Lines 8 and 32, strike “AGENCY” insert “**OFFICE**”

20 Page 28, line 18, strike “structural”; strike “control” insert “**MANAGEMENT**”

21 Line 20, strike “structural”; strike “control” insert “**MANAGEMENT**”

22 Line 30, strike “control” insert “**MANAGEMENT**”

23 Line 36, strike “AGENCY” insert “**OFFICE**”

24 Line 37, strike “control” insert “**MANAGEMENT**”

25 Line 42, strike “structural”; strike “control” insert “**MANAGEMENT**”

26 Page 29, line 2, strike “control” insert “**MANAGEMENT**”

27 Page 30, line 10, strike “structural pest control”; strike “AGENCY” insert “**OFFICE**
28 **OF PEST MANAGEMENT**”

29 Page 31, strike line 25, insert:

30 “(aa) THE OFFICE OF PEST MANAGEMENT.”

31 Line 32, strike “structural pest control” insert “pest management”

32 Line 33, after the first semicolon strike remainder of line

1 Page 31, line 34, strike "committee:"

2 Strike lines 35 through 42

3 Page 32, strike lines 1 through 11, insert:

4 "The auditor general shall conduct a performance audit of the office of
5 pest management pursuant to section 41-1278, Arizona Revised Statutes, and
6 provide a report to the governor, the president of the senate and the speaker
7 of the house of representatives by November 12, 2010. The report shall
8 include the following:

9 1. Recommendations for the regulation of the pest management industry
10 in a manner that most effectively provides protection to the general public.

11 2. Recommendations for the reorganization and restructuring of the
12 office of pest management, including a recommendation regarding oversight by
13 a state agency, department or board. The auditor general shall not recommend
14 a structure that is the same as or similar to the structure of the former
15 structural pest control commission.

16 Sec. 24. Pest management advisory committee

17 A. A pest management advisory committee is established for the purpose
18 of providing general guidance to the acting director. The committee consists
19 of the following seven members:

20 1. Three industry members, one each appointed by the governor, the
21 president of the senate and the speaker of the house of representatives. The
22 industry members shall hold current active licenses issued by the office of
23 pest management or the structural pest control commission under prior law and
24 have a minimum of five years of pest management experience. The industry
25 member appointed by the president of the senate shall be an active business
26 licensee who has five or fewer employees.

27 2. Three public members, one each appointed by the governor, the
28 president of the senate and the speaker of the house of representatives.

29 3. One member who has at least a baccalaureate degree and is an
30 entomologist, plant pathologist, toxicologist, medical doctor, doctor of
31 osteopathy or individual holding a degree in public health or occupational
32 health, who is appointed by the governor.

1 B. No member of the pest management advisory committee shall be a
2 current or former appointee to the former structural pest control
3 commission.”

4 Renumber to conform

5 Page 32, lines 13 and 21, strike “structural pest control agency” insert “office of
6 pest management”

7 Lines 25 and 26, strike “structural pest control agency” insert “office of pest
8 management”

9 Lines 34 and 37, strike “structural pest control agency” insert “office of pest
10 management”

11 Strike lines 39, 40 and 41, insert:

12 “H. The office of pest management shall occupy the location formerly
13 occupied by the structural pest control commission until a formal
14 recommendation has been enacted by the legislature.”

15 Sec. 26. Appointment of acting director

16 A. For purposes of appointing the acting director of the office of
17 pest management, the director of the department of administration shall not
18 appoint any of the following:

19 1. A current or former appointee to the structural pest control
20 commission.

21 2. A former employee of the structural pest control commission.

22 3. A current or former employee of the Arizona department of
23 agriculture.

24 B. The director may consider a current employee of the structural pest
25 control commission for appointment as the acting director.”

26 Renumber to conform

27 Amend title to conform

4/30/08
8:35 AM
S: MG/jas